

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LAMAR A. RAY,

Plaintiff,

v.

Case No. 06-C-1226

CITY OF MILWAUKEE, et al,

Defendants.

ORDER

Pro se Plaintiff Lamar A. Ray, filed this civil rights action pursuant to 42 U.S.C. § 1983 against several Milwaukee police officers who he claims used excessive force in effecting his arrest. Ray is currently serving a sentence in federal prison for bank robbery and other offenses. The case is presently before me on Ray's Petition for Mandamus, in which he requests that the court compel a Milwaukee Fire and Police Commission, the Police Administration and the Professional Performance Division of the Milwaukee Police Department to produce certain records he has requested pursuant to Wisconsin's Open Records Law. *See* Wis. Stat. § 19.32. Ray has also filed a motion for an order directing the clerk to issue a subpoena to compel an FBI special agent to give a deposition upon written questions pursuant to Fed. R. Civ. P. 31. There is no indication that Ray has complied with the procedure in that statute, however, including arranging for a court reporter to transcribe the answers under oath.

Both motions are hereby denied. Mandamus is not the proper procedure to compel responses to discovery requests. If plaintiff has an Open Records issue under state law, he should

seek to enforce his rights under the Wisconsin law in the Wisconsin court. There is no basis for this court to issue an order compelling non-parties to provide information under the Wisconsin Open Records Law.

With respect to the subpoena for the special agent of the FBI, I conclude that Ray has failed to follow the proper procedure that would authorize issuance of such a subpoena. Accordingly, that motion is denied as well.

SO ORDERED this 27th day of August, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge